

ARTICLE III, PRIVATE WELL WATER REGULATIONS

Sec. 30R-3-1. Scope and Purpose

- A. This section shall be known and cited as the Private Well Water Regulations for the Town of Darien
- B. The purpose of this regulation is to protect the health and safety of the citizens of the Town of Darien and to assist in the enforcement of the Public Health Code of the State of Connecticut (PHC) by establishing standards for the construction and testing of private drinking water wells in Darien.
- C. This regulation is enacted pursuant to the powers and duties set forth in Connecticut General Statutes 7-148, 19a-206, 19a-207 and 19-243. Sections 19-13-B51 and 19-13-B101 of the PHC, Connecticut General Statutes Sections 25-126 through 25-137 and the Rules and Regulations of the Well Drilling Board of the State of Connecticut as they are amended from time to time, are hereby adopted as a part of this code.

Sec. 30R-3-2. Definitions

"Approval letter" means a document issued and signed by the Director of Health or his agent stating that the water from a private water well is potable based on the receipt of acceptable water test results.

"Approved private water well" means any private water well that has received official approval of the Director of Health.

"Authorized agent" means the person designated by the Director of Health to act for him in the performance of his duties

"Hydro-fracture" means the injection of water into an existing well designed to increase the yield of the well.

"Notice" means an official document, signed and dated by the Director of Health, containing a statement of the reason for the failure of a private water well to comply with local drinking water standards and copies of the results of all relevant water analyses.

"Owner" means the owner, at time of water sample collection, of the property on which the well is located.

"Parameter" means any measurable physical, chemical, radiological, or bacteriological substance, which may be found in drinking water.

"Person" means any individual, firm, or association, including, but not limited to, any partnership, limited partnership, limited liability partnership, company, limited liability company, corporation, trust or estate, or the duly authorized representative thereof, including, but not limited to, a fiduciary, trustee or receiver, thereof.

"Potable water" means water free from impurities in amounts sufficient to cause disease or harmful physiological effects and having bacteriological, chemical, physical and radiological quality conforming to applicable regulations and standards.

"Private water well" means a water well serving a single consumer and less than twenty- five (25) persons.

"Public Health Code" means all regulations adopted by the Commissioner of Public Health pursuant to Title 19a-36 of the General Statutes of the State of Connecticut (CGS).

"Re-drilling" means the reworking, deepening or repairing of an existing well site.

"Water well" means an artificial excavation, constructed by any method, for the purpose of providing water for drinking or other domestic use

Sec. 30R-3-3 Defined Terms

Other Codes. Where terms are not defined in this regulation and are defined in either the Connecticut General Statutes or the building, fire safety or public health codes, they shall have the same meanings ascribed to them as in the general statutes or as in these codes.

Terms Not Defined. Where terms are not defined under the provisions of either the General Statutes or the building, fire safety or public health codes, including this regulation, they shall have ascribed to them their ordinarily accepted dictionary meanings or such as the context may herein imply.

Sec. 30R-3-4 Enforcement.

The Director of Health or his authorized agent shall enforce the provisions of this regulation, the General Statutes, and the Public Health Code of the State of Connecticut.

Sec. 30R-3-5. Conflict of Regulations.

In any case where a provision of this regulation is found to be in conflict with a regulation of the Connecticut Department of Public Health and/or the Department of Environmental Protection on the effective date of this regulation, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.

Sec. 30R-3-6. Permits to Construct

- A. Prior to the construction of any new or replacement private water well, or the renovation of an existing private water well, including, but not limited to, hydro-fracture, re-drilling, or casing extensions, a Well Drilling Permit application shall be submitted to the Director of Health. Permits are also required for irrigation wells and geothermal wells but not required for the installation of a groundwater monitoring well.
- B. The application shall include a plot plan of the property that must show all potential sources of pollution, existing or proposed, including subsurface sewage disposal systems, drainage ditches, footing drains, sewer piping, highway water runoff, underground oil storage tanks, etc., located within 100 feet of the well. The plot plan shall also show the distance to property boundaries within distances relevant to the proposed well under state regulations.

- C. The application shall be accompanied by a permit fee as specified in the fee schedule.
- D. No work requiring a permit as specified in section A of this regulation shall be conducted until the Director of Health or his agent has signed the well drilling permit. The Director of Health may require that a site inspection be made to ensure that the well site meets the requirements specified in section 19-13-B51d of the PHC.
- E. Upon completion of the work for which a permit has been issued, the applicant shall submit a well completion report to the Director of Health.
- F. Documentation of the well pump installation must be submitted by the pump installer on forms provided by the Darien Health Department.

Sec. 30R-3-7. Testing of Private Water Wells

- A. Prior to use, the owner of a new private water well or a well that has been repaired, deepened or altered so that a different water bearing geological layer is used, shall have the water sampled for water quality in accordance with Sections 19-13-B51 (1) and 19-13-B101 of the Public Health Code. The Director of Health may require testing for additional parameters, such as hydrocarbons, pesticides, heavy metals, or radioactivity, prior to approval. The well water shall not be used for drinking purposes until approval of the Director of Health is obtained. If the laboratory tests indicate that the water meets the requirements of Section 19-13-B101 of the Public Health Code, the Director of Health shall approve the results. The Darien Health Department shall maintain a record of all new well test results.
- B. If a new private water well is found to exceed the established water quality standards, based on either the initial or additional re-sampling analyses, the owner of the property shall be notified and advised of this condition(s). For extreme conditions, the Director of Health may require the installation of water treatment as a condition of, and prior to, approval.
- C. If chemical or physical limits, as stated in the Public Health Code are exceeded, and water treatment fails to bring the water into compliance with the Public Health Code, the Director of Health may prohibit the well from being used if, in his opinion, the consumption of the water presents a substantial public health risk.
- D. A Certificate of Occupancy shall not be issued by any other governmental authority for any new structure served by a private water well governed by this regulation without the approval of the Director of Health.

Sec 30R-3-8. Protection and Abandonment of Wells

- A. Section 19a-39 of the Connecticut General Statutes shall govern the protection of wells. Sections 25-128 and 25-134 of the Connecticut General Statutes shall govern the abandonment of wells.

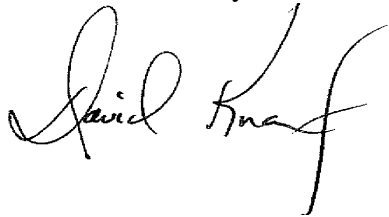
- B. In the case of abandonment, the procedure specified in the Rules and Regulations of the Well Drilling Board of the State of Connecticut shall be followed. Following abandonment, the contractor for this work shall provide the Director of Health with a statement of the work done.

Sec. 30R-3-9. Penalty

Any person who shall violate any provisions of this regulation or the Public Health Code of the State of Connecticut shall be guilty of a misdemeanor. Upon conviction thereof, such person shall be subject to a fine of not more than one hundred dollars (\$100) for each day that an offense continues between the date of notice of violations and the date of correction as known by re-inspection, or the date of disposition by a court of competent jurisdiction. Absent proof of a claim that said violation(s) has (have) been corrected as herein provided for, said violation(s) shall be deemed to have continued consecutively each day during the period of time prior to said disposition. In addition thereto, such persons may be enjoined from continuing such violation(s).

Effective Date of these Regulations

These regulations, Articles II, III, IV, VI, VII, VIII and IX shall be in full force and effect on March 29, 2010 by David Knauf, Director of Health for the Town of Darien.

A handwritten signature in black ink, appearing to read "David Knauf". The signature is fluid and cursive, with the first name "David" and last name "Knauf" clearly distinguishable.